

HOUSE BILL 2070

By Daniel

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to disciplinary actions taken by educational
institutions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by
adding the following language as a new section:

(a) As used in this section:

(1) "Controlled substance" means a drug, substance, or immediate
precursor identified, defined, or listed in title 39, chapter 17, part 4, or title 53,
chapter 11;

(2) "Drug overdose" means an acute condition, including, but not limited
to, extreme physical illness, decreased level of consciousness, respiratory
depression, coma, mania, or death, resulting from the consumption or use of a
controlled substance, or other substance inhaled, ingested, injected, or otherwise
introduced into the body by the distressed individual that a reasonable person
would believe to be resulting from the consumption or use of a controlled
substance or other substance by the distressed individual;

(3) "Medical assistance" means aid provided to a person by a healthcare
professional licensed, registered, or certified under the laws of this state who,
acting within the person's lawful scope of practice, may provide diagnosis,
treatment, or emergency medical services; and

(4) "Seeks medical assistance" means:

(A) Accesses or assists in accessing medical assistance or the 911 system;

(B) Contacts or assists in contacting law enforcement or a poison control center; or

(C) Provides care or contacts, or assists in contacting, any person or entity to provide care while awaiting the arrival of medical assistance to aid a person who is experiencing or believed to be experiencing a drug overdose.

(b)

(1) Any student of a public or private institution of higher learning in this state who in good faith seeks medical assistance for a person experiencing or believed to be experiencing a drug overdose shall not be disciplined by the institution of higher learning in any manner as a result of seeking such medical assistance, nor shall any student organization or team in which the student is a member be sanctioned in any manner as a result of the student seeking such medical assistance.

(2) Any student of a public or private institution of higher learning in this state who is experiencing a drug overdose and who in good faith seeks medical assistance or is the subject of a request for medical assistance shall not be disciplined by the institution of higher learning in any manner as a result of seeking such medical assistance, nor shall any student organization or team in which the student is a member be sanctioned in any manner as a result of the student seeking such medical assistance. The immunity provided in this subdivision (b)(2) shall apply to the student experiencing a drug overdose only on the student's first such drug overdose.

(c) A public or private institution of higher learning shall not be liable to any person for a failure to discipline a student or sanction a student organization or team if such failure is due to compliance with this section.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 4, is amended by adding the following language as a new section:

(a) As used in this section:

(1) "Controlled substance" means a drug, substance, or immediate precursor identified, defined, or listed in title 39, chapter 17, part 4, or title 53, chapter 11;

(2) "Drug overdose" means an acute condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death, resulting from the consumption or use of a controlled substance, or other substance inhaled, ingested, injected, or otherwise introduced into the body by the distressed individual that a reasonable person would believe to be resulting from the consumption or use of a controlled substance or other substance by the distressed individual;

(3) "Medical assistance" means aid provided to a person by a healthcare professional licensed, registered, or certified under the laws of this state who, acting within the person's lawful scope of practice, may provide diagnosis, treatment, or emergency medical services; and

(4) "Seeks medical assistance" means:

(A) Accesses or assists in accessing medical assistance or the 911 system;

(B) Contacts or assists in contacting law enforcement or a poison control center; or

(C) Provides care or contacts, or assists in contacting, any person or entity to provide care while awaiting the arrival of medical assistance to aid a person who is experiencing or believed to be experiencing a drug overdose.

(b)

(1) Any student of a senior high school in this state who in good faith seeks medical assistance for a person experiencing or believed to be experiencing a drug overdose shall not be disciplined by the senior high school in any manner as a result of seeking such medical assistance, nor shall any student organization or team in which the student is a member be sanctioned in any manner as a result of the student seeking such medical assistance.

(2) Any student of a senior high school in this state who is experiencing a drug overdose and who in good faith seeks medical assistance or is the subject of a request for medical assistance shall not be disciplined by the senior high school in any manner as a result of seeking such medical assistance, nor shall any student organization or team in which the student is a member be sanctioned in any manner as a result of the student seeking such medical assistance. The immunity provided in this subdivision (b)(2) shall apply to the student experiencing a drug overdose only on the student's first such drug overdose.

(c) A senior high school shall not be liable to any person for a failure to discipline a student or sanction a student organization or team if such failure is due to compliance with this section.

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it, and shall apply to conduct occurring on or after that date.